

**REMARKS**

Claims 1-29 were pending. Claim 18 is withdrawn pending the allowance of a generic or linking claim. Claims 1 – 4, 20, 22 and 23 have been canceled without prejudice or disclaimer and new claims 30-84 are added herein. Thus, claims 2, 5-19, 21 and 24-84 are now pending. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

The applicant notes with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The present amendment is being submitted in connection with an RCE filed concurrently herewith and thus constitutes a submission under 37 C.F.R. 1.114 and meets the requirements of 37 C.F.R. 1.111.

Claims 1, 16, 19-20 and 28 stand rejected under 35 USC 102(b) as being allegedly anticipated by Hubbard et al., U.S. Patent No. 6,364,811 (hereinafter “Hubbard”). Claim 1 and 20 are canceled herein and will not be discussed. With regard to the remaining claims 16, 19 and 28, the applicants respectfully request that this rejection be withdrawn for the following reasons.

Claims 16 and 19 are amended herein to depend from new claim 30, which contains the features of claim 4 indicated allowable including the limitations of the base claim 1. Thus, claims 16 and 19 are allowable. Claim 28 is amended herein to depend from new claim 68, which contains the features of claim 23 indicated allowable including the limitations of the base claim 20 and intervening claim 22. Accordingly, claim 28 is allowable. Applicants request that, since claims 16, 19 and 28 are allowable by virtue of depending from allowable claims, the rejection be withdrawn.

Claims 2, 3, 9-11, 13, 17, 21, 22, and 29 were rejected under 35 USC 103(a) as being allegedly unpatentable over Hubbard in view of Jamzadeh et al., U.S. Patent No. 5,803,869 (hereinafter "Jamzadeh"). Claims 2, 3 and 22 are canceled and will not be discussed. With regard to the remaining claims 9-11, 13, 17, 21 and 29, the applicants respectfully request that this rejection be withdrawn for the following reasons.

Claims 9-11, 13, 17, 21 and 29 are amended herein to depend from new claims 30, 65 and 68. Claims 9 and 13 now depend from new claim 65, claims 10, 11 and 17 now depend from new claim 30, and claims 21 and 29 now depend from new claim 68. New claim 30 contains the features of claim 4 indicated allowable including the limitations of the base claim 1. Therefore claims 10, 11 and 17 are allowable. New claim 65 depends from claim 30 and is thus allowable. Therefore claims 9 and 13 are allowable. New claim 68 contains the features of claim 23 indicated allowable including the limitations of the base claim 20 and intervening claim 22. Therefore, claims 21 and 29 are allowable.

Applicants submit that new claims 30-84, for the most part, recite features noted in the indication of allowable subject matter contained in the present office action. For example, new independent claims 30, 78 and 81 include features from claims 1 and 4 indicated allowable, and are rewritten in different forms including as various means and as a computer readable program stored in a memory. New claim 65 depends from claim 30 and includes the features of claims 2 and 3.

New independent claims 31, 79 and 82 include features of claims 1 and 6 indicated allowable, and are rewritten in different forms including as various means and as a computer readable program stored in a memory. Claims 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44,

45, 46, 47 include the features of claims 2, 3, 4, 5, 7, 8, 9, 13, 14, 15, 10, 11, 12, 16, 17, 19 respectively. New claim 66 depends from claim 31 and includes the features of claims 2 and 3.

New independent claims 48, 80 and 83 include features of claim 1 and parts of claim 9 and 10.

Applicants note that independent claim 48 recites, *inter alia*, an apparatus that prevents a friction joint component from being broken, in which a transmitted torque capacity to a friction joint component is given, which is set to a value depending on information associated with, for example, the performances of a vehicle.

In contrast, conventional systems of the prior art including those described in Hubbard and Jamzadeh provide only a technique for setting a transmitted torque capacity decided in consideration of the performances of a vehicle. The conventional technique described in the applied art combination may bring about an excessive heat load, as a result of the setting, which may further cause a breakage of a friction joint component.

While techniques are known for setting a transmitted torque capacity that is able to prevent the breakage of the friction joint component, such techniques fail to selectively cope with both controlling the overall drive system and preventing breakage of the friction joint component. For example, in the claimed invention according to claim 48, and claims depending therefrom, units such as the guideline producing unit, joint force setting unit, and joint force controlling unit provide a target operation guideline to control the overall drive system of a vehicle, while units such as the drive force controlling unit, estimation unit, and guideline producing unit are operative basically depending on the guideline, but becomes autonomous in cases where it is found that there is a risk of incurring damage to a friction joint component. Specifically, the functions for both controlling the overall driving system and preventing the

damage of the friction joint component are properly and automatically selected and become active in an autonomous manner in the apparatus according to the claimed invention, as recited for example, in claim 48 and its dependencies.

Accordingly, claim 48 and its dependencies distinguish over the prior art including Hubbard and Jamzadeh alone or in combination. Favorable consideration is respectfully requested.

New claims 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 84 include features of claims 2, 3, 4, 5, 6, 7, 8, 13, 14, 15, 11, 12, 16, 17, 19, and remaining features associated with claim 9, respectively. New claim 64 depends from claim 48 and includes features of claims 2 and 3. New claim 67 depends from claim 64 and includes remaining features of claim 9.

New independent claim 68 includes features of claims 20, 22 and 23 indicated allowable and is thus allowable.

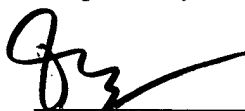
New independent claim 69 includes features of claim 25 indicated allowable including the features of base claim 20. Claims 69, 70, 71, 72, 73, 74, 75, 76, 77 include the features of claims 21, 22, 23, 24, 26, 27, 28, 29, respectively.

Accordingly applicants respectfully submit that independent claims 30, 31, 68, 69, 78, 79, 81, 82, and their respective dependencies are allowable by virtue of containing subject matter indicated allowable by the Examiner. Favorable consideration and allowance is therefore requested.

In view of the foregoing, the applicant respectfully submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



---

Robert L Scott, II  
Reg. No. 43,102

Posz Law Group, PLC  
12040 South Lakes Drive, Suite 101  
Reston, VA 20191  
Phone 703-707-9110  
Fax 703-707-9112  
Customer No. 23400